

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

GALLATIN WILDLIFE
ASSOCIATION,

Plaintiff,

vs.

UNITED STATES FOREST
SERVICE, et al.,

Defendants.

CV-15-27-BU-BMM

ORDER

The Court granted summary judgment in favor of Federal Defendants regarding the U.S. Forest Service's ("USFS") use of the coarse filter or habitat by proxy methodology. (Doc. 148.) The Court ordered Federal Defendants to issue a supplemental environmental impact statement ("SEIS") for the 2009 Revised Forest Plan that evaluates the potential consequences of the 2000 and 2008 Memoranda of Understanding. The Court further ordered Federal Defendants to

conduct a review of the five issues raised by Plaintiffs, and any other pertinent information, to determine whether the new information warrants supplementation of the environmental analyses for the Allotment Management Plans at issue in this litigation. The Court deferred a decision regarding whether to permanently enjoin domestic sheep grazing until after the USFS completed its SEIS. (Doc. 148 at 36.)

Plaintiffs appealed the Court's decision regarding the coarse filter or habitat by proxy methodology claim. (Doc. 155.) The Ninth Circuit dismissed the appeal for lack of jurisdiction (Doc. 203.) The Ninth Circuit determined that the Court's June 14, 2016, Order did not constitute a final decision. *Id.* at 1.

The USFS completed its final SEIS for the 2009 Revised Forest Plan on January 26, 2018. The USFS issued the final Record of Decision on October 26, 2018. Plaintiffs now wish to appeal the Court's partial grant of summary judgment in favor of Federal Defendants. The parties jointly have moved the Court to enter final judgment pursuant to Federal Rule of Civil Procedure 54.

ACCORDINGLY, IT IS HEREBY ORDERED that:

- (1) The Clerk shall enter Final Judgment in this matter pursuant to Federal Rule of Civil Procedure 54.
- (2) All other relief requested by the parties in this action is denied.
- (3) This action is dismissed.

(4) Plaintiffs reserve the right to seek an appeal of the Court's decision and final judgment.

DATED this 7th day of May, 2019.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a horizontal line underneath it.

Brian Morris
United States District Court Judge